

Serial No. 10/765,291  
60,130-1907; 03MRA0279

REMARKS

Claims 1-20 remain pending in the application including independent claims 1, 11, and 16. Claims 2-9, 11-15, 19, and 20 are indicated as allowable.

The examiner argues that the information disclosure statement filed January 27, 2004 was non-compliant because no cover letter or PTO-1449 form had been submitted, and the examiner had only received a copy of reference WO 01/02196. Applicant submitted an information disclosure with the filing of the patent application on January 27, 2005. The information disclosure statement included a cover sheet, and two (2) pages of the PTO-1449 form listing several references. The only foreign reference listed on the PTO-1449 form was WO 01/02196.

Attached is a copy of the information disclosure statement that was filed, and a copy of the return receipt postcard indicating that the United States Patent & Trademark Office received the information disclosure statement and PTO-1449 form. As the examiner already has a copy of WO 01/02196, applicant is not submitting an additional copy. Applicant respectfully requests that the information disclosure statement be considered. Further, as the information disclosure statement was properly filed with the application, applicant asserts that no fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds should any fees be required.

The specification has been objected to for failing to provide an antecedent basis for the term "seal support member" set forth in claim 13. Applicant has removed the terms "seal support" from claim 13. Thus, no amendment to the specification is required. Applicant respectfully requests that the objection be withdrawn.

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Claims 1-20 stand rejected under 35 U.S.C 112, second paragraph, as being indefinite. Applicant has amended the claims to overcome the examiner's rejection, and respectfully requests that the rejection be withdrawn.

Claims 1, 10, and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 52-41327. Claims 17 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over JP 52-41327 alone.

The examiner argues that JP 52-41327 discloses a drive axle 7 that includes a bore 8 in fluid communication with a source of air and a tire, and a seal assembly 10 at a first end of the drive axle 7. Applicant respectfully disagrees with this interpretation of JP 52-41327.

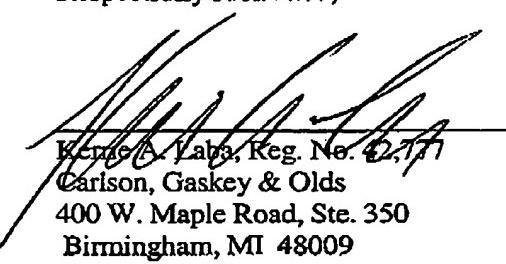
JP 52-41327 does not have an English equivalent, and does not even have an English abstract. It is difficult to determine from the figures alone, what specific structural components the system includes. Further, it is impossible to determine the function and purpose of the components shown in the figures. However, as applicant best understands the figures of JP 52-41327, the JP 52-41327 reference seems to disclose a lubrication system that lubricates wheel end components through passage 8. The lubricating fluid delivered through passage 8 to the wheel end seems to be sealed off from entering air cavity 5, which is in fluid communication with the inside cavity 3 of the tire 1 (see Figure 1). Thus, the examiner's bore 8 does not appear to have a second end that is in fluid communication with a tire assembly. Figure 2 seems to show that air is supplied to the tire 1 through means other than a wheel shaft (see components 15, 14).

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Thus, applicant respectfully asserts that JP 52-41327 does not disclose, suggest, or teach the features set forth in claims 1, 10, and 16-18. If the examiner continues to uphold the rejections based on JP 52-41327, applicant respectfully requests that the examiner obtain a translation of JP 52-41327 so that applicant and examiner can more clearly understand the teachings of JP 52-41327. See Ex parte Gavin, 62 USPQ2d 1680, 1684 (U.S. Patent and Trademark Office Board of Patent Appeals and Interferences, 2001), ("... obtaining translations is the responsibility of the examiner. A review by the examiner and applicant of translations of the prior art relied upon in support of the examiner's rejection may supply additional relevant evidence on issues of anticipation and obviousness . . . and may eliminate the need for an appeal.").

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

  
Kenneth A. Yaba, Reg. No. 32,771  
Carlson, Gaskey & Olds  
400 W. Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

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